# IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF ARIZONA

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| Houston Specialty Insurance Company, | No. CV-23-01187-PHX-DLR |
| Plaintiff, | **ORDER** |
| v. | |
| Leah Rekowski, et al., | |
| Defendants. | |

This matter recently has come before the Court.

**IT IS ORDERED** as follows:

1. Motions to dismiss under Federal Rule of Civil Procedure 12(b)(1)-(3) & (6)-(7), motions for judgment on the pleadings under Rule 12(c), and motions to strike under Rule 12(f) are discouraged if the perceived defect(s) that would be the subject of the motion can be cured in any part by filing an amended pleading. The parties therefore must confer before the filing of any motion under Rules 12(b)(1)-(3) & (6)-(7), 12(c), or 12(f) to determine whether it can be avoided. If such a motion is filed, it must be accompanied by a notice certifying the parties conferred in good faith and were unable to agree the pleading is curable by a permissible amendment. Motions not accompanied by the required certification will be stricken.

2. If the parties are unable to agree the pleading is curable in any part and a motion to dismiss or for judgment on the pleadings is filed, and if in response to that motion the non-moving party asks the Court for leave to amend, the non-moving party must at that
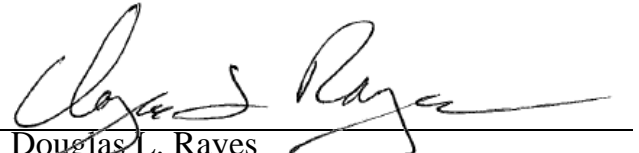
1  time submit a proposed amended pleading that complies with Local Rule of Civil

2  Procedure 15.1(a) and contains all further allegations the non-moving party could make. In

3  the event the motion to dismiss or for judgment on the pleadings is granted in any part, no

4  leave to amend the complaint will be granted beyond what is offered by the non-moving

5  party in the proposed amended complaint.

6  　　　3.  The parties shall endeavor not to oppose motions to amend filed prior to the

7  Scheduling Conference or within the time for amending pleadings and joining parties set

8  forth in the Rule 16 Scheduling Order.

9  　　　4.  Plaintiff shall serve a copy of this Order upon Defendant and file notice of service

10  with the Court.

11  　　　Dated this 29th day of September, 2023.

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   Douglas L. Rayes
   United States District Judge

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